

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

WIDAD BAYLOS,

Plaintiff,

Case. No. 18-10026

v.

Honorable Thomas L. Ludington
Magistrate Judge R. Steven Whalen

NANCY A. BERRYHILL,

Defendant.

**ORDER ADOPTING REPORT & RECOMMENDATION, GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT, DENYING PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT, AND AFFIRMING THE DECISION OF THE
COMMISSIONER**

On July 14, 2015, Plaintiff filed an application for Supplemental Security Income ("SSI"), alleging disability as of November 1, 2012 (Tr. 119). After the initial denial of the claim, Plaintiff requested an administrative hearing, held on January 24, 2017 in Oak Park, Michigan before Administrative Law Judge ("ALJ") Timothy C. Scallen (Tr. 36). Plaintiff, represented by attorney Randall Mansour, testified (Tr. 40-57), as did Vocational Expert ("VE") Pauline McEachin (Tr. 57-60). On March 31, 2017, ALJ Scallen found that Plaintiff was not disabled (Tr. 11-19). On November 15, 2017, the Appeals Council denied review (Tr. 1-4). Plaintiff filed for judicial review of the final decision on January 3, 2018.

The matter was referred to Magistrate Judge R. Steven Whalen. ECF No. 3. The parties filed cross motions for summary judgment. ECF Nos. 12, 14. On January 31, 2019, Judge Whalen issued a report, recommending that Plaintiff's motion for summary judgment be denied, that Defendant's motion for summary judgment be granted, and that the decision of the commissioner be affirmed. ECF No. 15.

Although the magistrate judge's report explicitly states that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither party has filed any objections. The election not to file objections to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal. *Id.*

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 15, is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Motion for Summary Judgment, ECF No. 12, is **DENIED**.

It is further **ORDERED** that Defendant's Motion for Summary Judgment, ECF No. 14, is **GRANTED**

It is further **ORDERED** that the findings of the Commissioner are **AFFIRMED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 15, 2019